

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC#:  
DATE FILED: 4/6/22

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

----- X  
**JOSE ALBERTO MARTINEZ HERNANDEZ ET  
AL.,**

**Plaintiffs,**

**-against-**

**EAST WINGERS INC. ET AL.,**

**Defendants.**  
----- X

**17-CV-2176 (ALC)**

**ORDER**

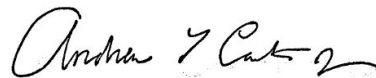
**ANDREW L. CARTER, JR., District Judge:**

The Court is in receipt of the stipulation of voluntary dismissal as to plaintiff Roberto Julian's claims. No later than April 13, 2022, the Parties shall file a letter explaining whether this dismissal in this FLSA action is subject to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015), and, if so, the Parties shall file the requisite fairness letter. The submission shall also address the status of the consent judgment regarding the remaining claims.

As a Suggestion of Death has been filed as to Plaintiff Elias Rojas and as no motion for substitution has been filed, the Clerk of Court is respectfully directed to terminate Plaintiff Elias Rojas.

**SO ORDERED.**

**Dated: April 6, 2022  
New York, New York**



\_\_\_\_\_  
**ANDREW L. CARTER, JR.  
United States District Judge**